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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,067	03/04/2002	Anders Vinberg	063170.6875	8007
5073	7590	10/27/2005		
BAKER BOTTS L.L.P. 2001 ROSS AVENUE SUITE 600 DALLAS, TX 75201-2980			EXAMINER LEE, PHILIP C	
			ART UNIT 2154	PAPER NUMBER

DATE MAILED: 10/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/091,067	VINBERG, ANDERS	
	Examiner	Art Unit	
	Philip C. Lee	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 12, 14 and 16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's election without traverse of Group I, claims 1-11, 13 and 15 in the reply filed on September 16, 2005 is acknowledged.
2. Claims 1-11, 13 and 15 are presented for examination and claims 12, 14 and 16 are withdrawn from consideration.

Claim Rejections – 35 USC 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 4, 13 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Ward et al, U.S. Patent 5,367,670 (hereinafter Ward).
5. As per claims 1, 13 and 15, Ward taught the invention as claimed for generating an audio alert, comprising:

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detecting an alert condition (col. 5, lines 15-20)

determining a notification path associated with the alert condition (col. 8, line 64-col.9, lines 16; col. 12, lines 58-64);

constructing an audio notification message based on at least one parameter associated with the alert condition (col. 5, lines 21-32; col. 12, lines 34-64); and

outputting the audio notification message via the notification path (col. 7, lines 25-57).

6. As per claim 4, Ward taught the invention as claimed in claim 1 above. Ward further taught wherein detecting an alert condition includes detecting an alert condition within a plurality of subsystems of a network management application (col. 7, lines 19-24).

Claim Rejections – 35 USC 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2, 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ward in view of Fischer, U.S. Patent 4,881,197 (hereinafter Fischer).

9. As per claims 2 and 5, Ward taught the invention as claimed in claim 1 above. Ward did not teach defining audio characteristics. Fischer taught defining audio characteristics associated with the audio notification message (col. 3, lines 38-42; col. 4, lines 3-21; col. 8, lines 31-45).

10. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Ward and Fischer because Fischer's teaching of defining audio characteristics would increase the user's flexibility of Ward's system by allowing a user with a flexible and efficient mechanism for simultaneously utilizing the highlighting features distinctive to each particular device on which the document or message is displayed or produced (col. 4, lines 3-7).

11. As per claim 6, Ward and Fischer taught the invention substantially as claimed in claim 5 above. Fischer further taught wherein the audio characteristic is a volume (col. 3, lines 38-42; col. 4, lines 3-21; col. 8, lines 31-45).

12. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ward in view of Sabourin et al, U.S. Patent 6,037,099 (hereinafter Sabourin).

13. As per claim 3, Ward taught the invention as claimed in claim 1 above. Ward did not teach identifying a portion of the message that is likely to be difficult to understand. Sabourin taught wherein constructing an audio notification message includes identifying a portion of the

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message that is likely to be difficult for a user to understand and replacing the identified portion with a more easily understood synonym (col. 10, line 60-col. 11, lines 8).

14. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Ward and Sabourin because Sabourin's teaching of identifying a portion of the message that is likely to be difficult to understand would increase the alertness in Ward's system by allowing the system to find and replace words that tend to cause high confusability (col. 10, line 60-col. 11, line 8).

15. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ward in view of Miller et al, U.S. Patent 6,421,707 (hereinafter Miller).

16. As per claim 8, Ward taught the invention as claimed in claim 1 above. Ward did not teach the audio message presented in accordance with a filter. Miller taught wherein the audio messages presented in accordance with a filter (col. 6, lines 30-40).

17. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Ward and Miller because Miller's teaching of audio messages presented in accordance with a filter would increase the user's flexibility in Ward's system by allowing a user to determine how individual or groups of messages are handled, depending upon characteristics of the messages themselves (col. 6, lines 31-33).

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18. As per claim 9, Ward taught the invention as claimed in claim 1 above. Ward did not teach selecting a notification path based on the parameter. Miller taught wherein the determining the notification path includes analyzing a parameter associated with the alert condition and selecting the notification path based on the parameter (col. 6, lines 30-40).

19. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Ward and Miller because Miller's teaching of selecting the notification path based on the parameter would increase the user's flexibility in Ward's system by allowing a user to determine how individual or groups of messages are handled, depending upon characteristics of the messages themselves (col. 6, lines 31-33).

20. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ward in view of Carleton, U.S. Patent Application Publication 2001/0044840 (hereinafter Carleton).

21. As per claim 10, Ward taught the invention as claimed in claim 1 above. Ward did not teach an escalation list. Carleton taught wherein determining the notification path includes analyzing an escalation list (page 1, paragraph 9; page 3, paragraph 53).

22. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Ward and Carleton because Carleton's teaching of escalation list would increase the alertness of Ward's system by providing a mechanism by

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which a problem can receive increasing levels of attention to expedite and assure proper remediation (page 1, paragraph 9).

23. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ward in view of Goldberg et al, U.S. Patent 6,161,082 (hereinafter Goldberg).

24. As per claim 11, Ward taught the invention as claimed in claim 1 above. Ward did not teach audio message based on language preference. Goldberg taught wherein constructing the audio notification message includes:

determining a user associated with the audio notification message (col. 3, lines 34-56; col. 5, lines 22-24);

determining a language preference associated with the user (col. 3, lines 34-56; col. 5, lines 1-13, 25-34; col. 6, lines 27-28); and

constructing the audio message based on the language preference (col. 3, lines 34-56; col. 6, lines 34-38).

25. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Ward and Goldberg because Goldberg's teaching of audio message based on the language preference would increase the functionality of Ward's system by providing supports to multiple user and to translate communication inputs that are received in any of a wide variety of languages into communication outputs that are transmitted in any of a wide variety of languages (col. 2, lines 45-50).

26. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ward and Fischer in view of "Official Notice".

27. As per claim 7, Ward and Fischer taught the invention substantially as claimed in claim 5 above. Ward and Fischer did not specifically detailing different audio characteristics. "Official Notice" is taken for the concept of a balance as an audio characteristic is known and accepted in the art. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to include balance as an audio characteristic because by doing so would increase the user's flexibility by allowing a user to include any type of audio characteristics as a design choice.


CONCLUSION

28. A shortened statutory period for reply to this Office action is set to expire THREE MONTHS from the mailing date of this action. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip C Lee whose telephone number is (571)272-3967. The examiner can normally be reached on 8 AM TO 5:30 PM Monday to Thursday and every other Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571)272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent

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Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

P.L.

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